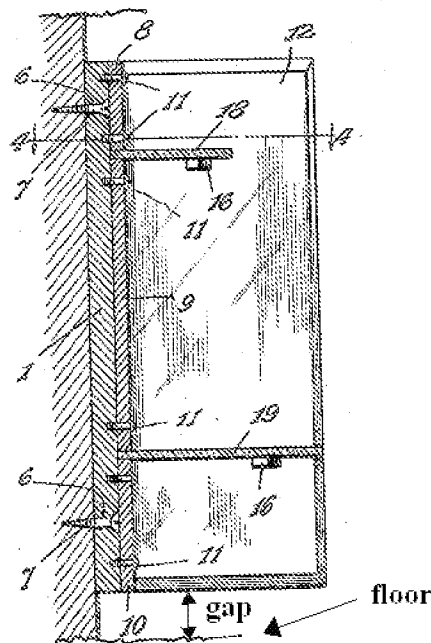


### **REMARKS**

Applicant would like to thank the Examiner for the detailed remarks. Claims 18 and 21-33 are currently pending in this application.

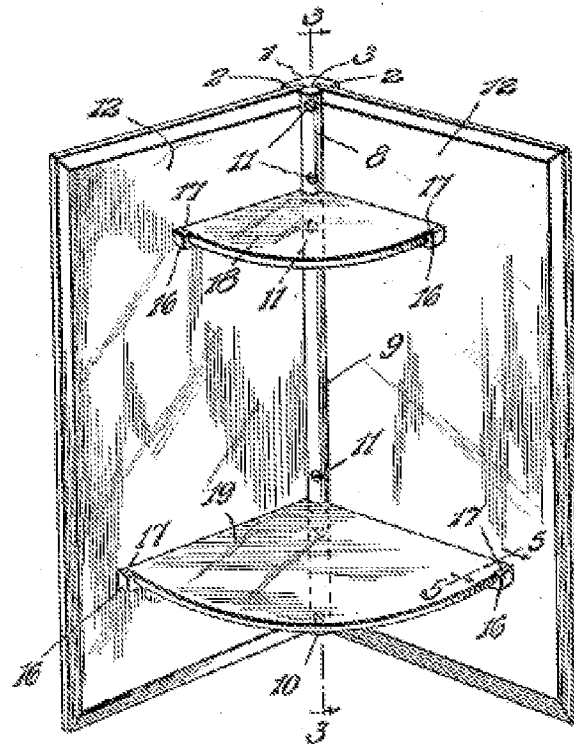
Claims 18, 21-27, 30 and 33 are rejected under 35 U.S.C. §102(b) over Armstrong (US 2,036,184). Independent claim 18 requires that “the base portion **receives** the first wall portion, the second wall portion, and the corner portion.” The Examiner interprets the floor of the room in which the shelving unit 19 of Armstrong resides as the claimed base. However, the floor of Armstrong does not “receive” wall portions 12 and a corner portion 8 as required by claim 18. As shown in Figure 3 of Armstrong (reproduced below), there is a gap between the bottom of the side plate 12 and the floor of Armstrong. Therefore, the floor of Armstrong does not receive the wall portions 12 and corner portion 8 as claimed. Accordingly, Applicant respectfully requests that the §102(b) rejection of claims 18, 21-27, 30 and 33 be withdrawn.

**Armstrong: Figure 3 (with annotation)**



Regarding dependent claim 21, the claim requires “a top wall,” and Armstrong does not disclose a “top wall” of any kind. Rather, Armstrong discloses an open-ended corner shelf unit that lacks a top wall (see Figure 1 of Armstrong, reproduced below). For this additional reason, the Applicant respectfully requests that the §102(b) rejection of dependent claim 21 be withdrawn.

**Armstrong: Figure 1**



Regarding dependent claim 24, the claim requires that the “corner portion, said top wall, said bottom wall, and said rear wall comprise a single, continuous piece.” However, as argued above, Armstrong does not disclose the claimed “top wall.” Also, Figures 1 and 2 of Armstrong clearly illustrate that the corner portion 8 and the wall portion 12 are separate pieces, and are not “a single, continuous piece” as claimed. For this additional reason, the Applicant respectfully requests that the §102(b) rejection of dependent claim 24 be withdrawn.

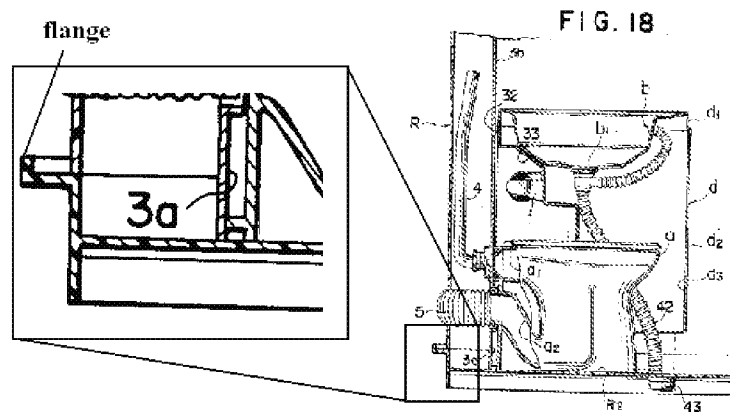
Dependent claim 28 is rejected under 35 U.S.C. §103(a) over Armstrong (US 2,036,184) in view of Hine (US 1,059,464). Dependent claim 28 requires that each of a “multiple of horizontal shelf slots includes multiple segments that are horizontally arranged.” The Examiner interprets the recesses 18 of Hine to be a multiple of horizontal slots, and argues that it would have been obvious to “employ slots formed between projections taught by Hine on the Armstrong shelf device for accommodating different sizes of shelves.” However, the Examiner is interpreting the spaces between members 8, 9, 10 of Armstrong as the claimed “horizontal shelf slots.” Because “the horizontal shelf slots” of Armstrong are merely elongated spaces between members 8, 9, 10 it would not be possible to add additional segments that are horizontally arranged as claimed. Accordingly, the Applicant respectfully requests that the §103(a) rejection of claim 28 be withdrawn.

Claim 29 is rejected under 35 U.S.C. §103(a) over Armstrong (US 2,036,184) in view of Kitamura (US 4,718,131). Claim 29 requires “a flange extending from the base portion, the flange being located adjacent to the first wall portion and the second wall portion.” The Examiner argues that it would have been obvious “to employ Armstrong shelf device in a room having a bottom wall with a flange extending therefrom in view of the teaching of Kitamura et al., wherein doing so would be an obvious design change.” Obviousness under *KSR International Co. v. Teleflex Inc.* 550 U.S. 398, 127 S.Ct. 1727, 82 U.S.P.Q.2d 1385 (2007) requires a reason for combining the elements of the prior art in the manner claimed. Moreover, rejections based on obviousness cannot be sustained by mere conclusory statements. There must be an articulated reasoning with some rational underpinning to support the conclusion of obviousness, and the reasoning should be made explicit. *Id.* at 1395. The stated reasoning is both circular and conclusory, and therefore does not establish prima facie obviousness. Accordingly, Applicant respectfully requests that the §103(a) rejection of claim 29 be withdrawn.

Additionally, “to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” (MPEP §2143.03). As argued above, Armstrong does not disclose the claimed base portion, and the addition of Kitamura does not resolve this deficiency. Also, the Examiner interprets Kitamura as disclosing a flange extending

from a base R2 (see annotated Figure 18 of Kitamura below). However the flange is not on the floor surface R2. The flange of Kitamura extends from a side of the unit room R. Therefore, Kitamura does not disclose a flange extending from a base as claimed. For this additional reason, Applicant respectfully requests that the §103(a) rejection of claim 29 be withdrawn.

**Kitamura: Figure 18 (with annotation)**



All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

/Timothy C. Bradley /  
Timothy C. Bradley, Reg. No. 59,497  
Carlson, Gaskey & Olds  
400 W. Maple Road, Ste. 350  
Birmingham, MI 48009

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